Held, that defendant could be enjoined. *Aunt Jemima Mills Co.* v. *Rigney & Co.* (C. C. A., 1917), 247 Fed. 407.

As "no one desiring to purchase flour would accept syrup without knowing the difference," the District Court (234 Fed. 804) decided that the two articles were in non-competing classes. That this test too narrowly restricted equitable relief was shown by the fact that the publication of a book on banking under the name of a firm of bankers would be enjoined although publishing and banking could not be said to be competing classes. See *British-American Tobacco Co.* v. *British-American Cigar Stores Co.,* 211 Fed. 933. That there may still be articles in non-competing classes is admitted, but they must be so distinctive that the public would not be deceived into thinking that they were made by the same firm. The tendency to deceive the public is selected as the vital factor not primarily to protect the public, but because the ability to deceive puts the first user of the trade name in the power of the second user. The close relation between pancake flour and syrup brings the instant case clearly within the rule as laid down.

WORKMEN'S COMPENSATION—RIGHT OF ALIENS TO COMPENSATION.—P, a non-resident alien, brought suit under the Workmen's Compensation Act to recover for the death of her husband, who admittedly received fatal injuries in the course of his employment by a subscriber thereunder. *Held,* that P could recover, her alienage being no bar. *In re Derinza* (Mass., 1918), 118 N. E. 942.

In Kentucky, New York, California, Oklahoma, Wisconsin, Michigan, Pennsylvania, West Virginia, and Connecticut the acts contain express provisions allowing non-resident aliens the award of compensation. On the other hand, some states expressly exclude them from the benefit of compensation. See *Gregutis* v. *Waclark Wire Works,* 86 N. J. L. 610. In the jurisdictions where there is no express provision the determination of the question would seem to depend upon the construction of the statutes. In the instant case compensation was granted to such dependents on the principle of contract; it being considered that the act holds out to every workman who accepts employment a promise that in case of his death in such employment his dependents will be compensated. According to this construction, the dependents derive their rights from and through the deceased workman. This is the accepted view so far as there is authority in point. *Krzus* v. *Crow's Nest Pass Coal Co.,* 37 A. C. 590; *Victor Chemical Works* v. *Industrial Board,* 274 Ill. 11, 19-22; *Vujic* v. *Youngstown Sheet and Tube Co.,* 220 Fed. 390, *semble.* To the effect that death statutes are generally construed to enure to alien dependents, see 19 HARV. LAW REV. 215. Certainly one of the original purposes of these Compensation Acts was to relieve the state of the burden of caring for the dependents of the deceased workman. In this view it would seem that aliens abroad, who could not possibly become a burden upon the state, should not be entitled to compensation thereunder. But see *Varesick* v. *The British Columbia Copper Co.,* 12 B. C. 286, *semble; Western Metal Supply Co.* v. *Pillsbury,* 172 Cal. 407, 416 (where the act contained an express provision).